

ATTACHMENT D

Application (File No. BMPCT-891117KE)
for Extension of Construction Permit
(filed November 17, 1989)

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

BPCT-89117KF

1. Legal Name of Applicant (See Instructions) RAINBOW BROADCASTING COMPANY NOV 17 1989		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149 Federal Communications Commission Office of the Secretary		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT820809KF Call Letters WRBW Frequency UHF Channel No. 65	
Telephone No. (Include Area Code) (305) 361-8223		Station Location Orlando, Florida	
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. N/A			
6. EXTENT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) No order has been placed (b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. 24 months after completion of judicial review			
Date Ordered	Date Delivery Promised		

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

Are the representations contained in the application for construction permit still true and correct? ☒ YES ☐ NO
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Rainbow Broadcasting Company	Signature Joseph Fey
Title Partner	Date 11/7/89

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board decision (FCC 84R-85, released December 3, 1984) granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of the written briefs but before oral argument, the Commission requested that the Court return the proceeding to the F.C.C. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484" (Commission Report to the Court, dated February 29, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned by the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for a writ of certiorari with the United States Supreme Court. Oppositions to that petition

are due November 20, 1989. It is thus unknown at this time when the Supreme Court will rule on the petition and whether it will grant certiorari. .

The foregoing chronology demonstrates that Rainbow has never been in a position to undertake construction on Channel 65, Orlando, absent the threat of judicial reversal of the license award. Moreover, from November 5, 1986 through June 9, 1988, the period during which the proceeding was returned to the Commission and placed in abeyance, Rainbow's construction permit could not be considered to have been "final", i.e., a construction permit upon the basis of which Rainbow would have been permitted to construct and operate on Channel 65, Orlando.

In view of the continuing appellate challenge to the grant of Rainbow's application, Rainbow requests that it be granted the normal period for construction, 24 months after completion of judicial review. Since the Commission is a party to the pending Supreme Court proceeding, Metro Broadcasting, Inc. v. F.C.C., Case No. 89-453, the date of completion of judicial review will be immediately known to the Commission.

ATTACHMENT E

Application (File No. BPCT-900702KK)
for Reinstatement of Construction Permit
(filed July 2, 1990)

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

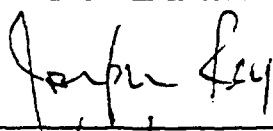
File No. BPCT-900702 KK.

1. Legal Name of Applicant (See Instruction C) RAINBOW BROADCASTING COMPANY		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT820809KF Call Letters WRBW Frequency UHF Channel No. 65 RECEIVED Station Location Orlando, Florida	
Telephone No. (Include Area Code) (305) 361-8223		5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. N/A	
6. PERMIT OF CONSTRUCTION: (a) Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered <i>If no order has been placed, so indicate</i> No order has been placed.		(b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.	
Date Ordered	Date Delivery Promised	(c) Estimated date by which construction can be completed. 24 months after completion of court rev.	
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed. (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended)
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Rainbow Broadcasting Company	Signature 
Title Partner	Date 5/29/90

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board decision (FCC 84R-85, released December 3, 1984) granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 29, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for a writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari

and the case was briefed (Case No. 89-453) and argued on March 28, 1990. Decision is pending.

The foregoing chronology demonstrates that Rainbow has never been in a position to undertake construction on Channel 65, Orlando, absent the threat of judicial reversal of the license award. Moreover, from November 8, 1986 to June 9, 1988, the period during which the proceeding was returned to the Commission and placed in abeyance, Rainbow's construction permit could not be considered to have been "final", i.e., a construction permit upon the basis of which Rainbow would have been permitted to construct and operate on Channel 65, Orlando.

In view of the continuing appellate challenge to the grant of Rainbow's application, Rainbow requests that it be granted the normal period for construction, 24 months after completion of judicial review. Since the Commission is a party to the pending Supreme Court proceeding, the date of completion of judicial review will be immediately known to the Commission.

ATTACHMENT F

Application (File No. BMPCT-9101225KE)
for Extension of Construction Permit
(filed January 25, 1991)

Federal Communications Commission
Washington, D.C. 20554

FCC 307

Approved by OMB
3080-0407
Expires 3/31/91APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No. BUPCT-900135KE

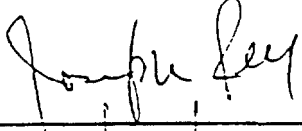
1. Legal Name of Applicant (See Instruction C) RAINBOW BROADCASTING COMPANY		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT820809KF Call Letters WRBW Frequency UHF Channel No. 65 Station Location Orlando, FL	
Telephone No. (Include Area Code) (305) 361-8223			
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. <u>N/A</u>			
EXTENT OF CONSTRUCTION: Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) <u>No order has been placed</u> Date Ordered _____ Date Delivery Promised _____ (b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. <u>12/31/92</u>			
7. (a) If application is for extension of construction permit, submit as Exhibit No. <u>1</u> reason(s) why construction has not been completed. (b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).			
8. Are the representations contained in the application for construction permit still true and correct? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If NO, give particulars in Exhibit No. _____			

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Rainbow Broadcasting Company	Signature 
Title Partner	Date 1/22/91

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 13, 1985. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 29, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari and the case was argued on March 28, 1990. By Decision

issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A Motion for Preliminary Injunction was heard on January 11, 14 and 16, 1991 and is scheduled to conclude on January 23, 1991, with a decision anticipated shortly thereafter.

Rainbow anticipates that its exclusive right to the use of the tower aperture will be recognized by the District Court. Rainbow is ready, willing and able to proceed with construction upon a ruling from the District Court and anticipates completion of construction within 24 months of a favorable Court action.

Pursuant to Rule 73.3534, Rainbow seeks leave to file this request less than 30 days prior to expiration of its construction permit because the preliminary injunction hearing regarding use of its antenna site was originally scheduled for December 22, 1990, but was postponed until

January 11, 1991. Rainbow had expected to be able to report the result of that hearing to the Commission at the time it filed its request for extension. In view of the fact that it is now anticipated that the decision of the District Court will not be forthcoming prior to January 31, 1991, Rainbow is submitting this request less than 30 days prior to the expiration of its permit.

ATTACHMENT G

Application (File No. BMPCT-910625KP)
for Extension of Construction Permit
(filed June 25, 1991)

Approved by OMB
3060-0440
Expires 12/31/90

FEDERAL COMMUNICATIONS COMMISSION

FEE PROCESSING FORM

Ref. km

FOR
FCC
USE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

RAINBOW BROADCASTING COMPANY

MAILING ADDRESS (Line 1) (Maximum 65 characters - refer to Instruction (2) on reverse of form)

151 Crandon Boulevard, Apartment 110

MAILING ADDRESS (Line 2) (If required) (Maximum 65 characters)

CITY

Key Biscayne

WRBW

STATE OR COUNTRY (If foreign address)

Florida

ZIP CODE

33149

CALL SIGN OR OTHER FCC IDENTIFIER (If applicable)

BPCT820809KF

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)

(B)

(C)

FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

M K T

\$ 200.

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)
FEE TYPE CODE

(B)
FEE MULTIPLE
(if required)

(C)
FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE.
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 200.

FOR FCC USE ONLY

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No.

BMPCT-910625KP

1. Legal Name of Applicant (See Instruction C)

RAINBOW BROADCASTING COMPANY

2. Mailing Address (Number, street, city, state, ZIP code)

151 Crandon Boulevard
Apartment 110
Key Biscayne, Florida 33149

Telephone No. (Include Area Code)

(305) 361-8223

3. PURPOSE OF APPLICATION:



a. Additional time to construct broadcast station



b. Construction permit to replace expired permit

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT:

File Number

BPCT-820809KF

Call Letters

WRBW

Frequency

119E

Channel No.

65

Station Location

Orlando, Florida

5. OTHER:

Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. N/A

6. EXTENT OF CONSTRUCTION:

(a) Is equipment been delivered?



YES



NO

(b) Has installation commenced?



YES



NO

(c) answer the following:

From whom Ordered (If no order has been placed, so indicate)

No order has been placed

If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.

Date Ordered

Date Delivery Promised

(c) Estimated date by which construction can be completed.

12/31/92

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct?



YES



NO

If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant

Rainbow Broadcasting Company

Signature

Joseph Lee

Title

Partner

Date

6/21/91

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT,
U.S. CODE, TITLE 18, SECTION 1001.

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 28, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari

and the case was argued on March 28, 1990. By Decision issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A motion for preliminary injunction was denied by the court on June 6, 1991.

Immediately upon denial of the preliminary injunction request, Rainbow notified the tower owner of its intention to commence construction (a copy of the letter to Guy Gannet Tower Co. is appended hereto) and requested that the lease provisions regarding construction bids be effectuated. In addition, Rainbow has initiated discussions with equipment manufacturers regarding construction specifications and intends to place its equipment order as soon as the building construction schedule is finalized.

Rainbow will commence operation prior to December 31, 1992, as it previously informed the Commission.

151 Crandon Blvd., #110
Key Biscayne, Florida 33149

Mr. James E. Baker
Gannett Tower Company
c/o Guy Gannett Publishing Co.
390 Congress Street
Portland, Maine 04104

June 18, 1991

RE: Rainbow Broadcasting Co./Bithlo Tower Co.
Lease Agreement

Dear Mr. Baker:

On August 10, 1990 Rainbow sent Mr. Richard Edwards proposed plans and designated the architect and contractors of its choice as per the lease agreement for the purpose of commencing the construction of the transmitter building addition.

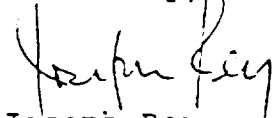
Subsequently, in a letter dated August 20, 1990, we were informed by Mr. Edwards that Gannett had already (in June of 1990), without our knowledge, proceeded to have plans prepared by Chiorelli Engineering of Melbourne who is also a general contractor. On September 13, 1990 Mr. Holland and I met with Mr. Edwards at his office and it was agreed that Mr. Edwards would supply Rainbow with a detailed bid based on Gannett's proposed plans so that Rainbow could analyze and determine whether it would select Gannett's proposed contractor or choose its own. We did not receive the Gannett bid and on November 5, 1990 Mr. Holland, on behalf of Rainbow, again requested the bid.

Since we cannot be delayed any further, Rainbow, pursuant to the lease, submits O. J. Jorgensen as the architect and proposes to choose the builder from the following:

Crown General Contractors
Rodge Farrahi Construction
L & J Construction
Warren, Harding & Witt Construction

Please let us know no later than close of business Friday June 28, 1991 if any of Rainbow's proposed designees are not acceptable to Gannett.

Sincerely,



Joseph Rey,
Partner

cc: Richard Edwards

ATTACHMENT H

Excerpt from deposition of Joseph Rey

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 Case No. 90-2554 DIV-SM

4 JOSEPH REY, et. al.,)
5)
6 Plaintiffs,)
7)
8 vs.)
9)
10 GUY GANNETT PUBLISHING CO.,)
11 et. al.,)
12)
13 Defendants.)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

172 West Flagler Street
Miami, Florida
December 18, 1990
12:34 p.m.- 4:15 p.m.

15 Deposition of Joseph Rey

16
17 Taken before Stan Seplin, Certified
18 Shorthand Reporter and Notary Public in and for
19 the State of Florida at Large, pursuant to Notice
20 of Taking Deposition filed in the above cause.
21
22
23
24
25

1 but Jules Cohen in his engineering report,
2 described a top slot as being 1,400 some odd feet,
3 to 1,500 and some odd feet, whatever.

4 Is it your understanding as you sit
5 there right now, if you want to put the antenna up
6 top, that you could put it up at that height on
7 the tower?

8 A. I could put it up at that height, but I
9 have to share it, is what they are telling me.

10 Q. We got half this accomplished now.

11 You realize that if you put your
12 antenna up, it would be put up at the spot they
13 said you could put it up on?

14 MR. FROMBERG: Objection.

15 You want him to answer the question
16 differently, but he answered it three times, and
17 had the same answer.

18 The problem is not that he's denied
19 being up there, but exclusively.

20 MR. HARDEMAN: That's why I'm asking the
21 question.

22 MR. FROMBERG: He's answered it.

23 I don't know know he can answer it any
24 better.

25

ATTACHMENT I

Complaint filed by Plaintiffs in
Joseph Rey et al. v. Guy Gannet Publishing Co. et al.
(Exhibits omitted)

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT, IN AND
FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

JOSEPH REY, LETICIA JARAMILLO,
and ESPERANZA REY-MEHR, as General
Partners of RAINBOW BROADCASTING
COMPANY, a Florida Partnership,

90-54033

Plaintiffs,

vs.

GUY GANNETT PUBLISHING CO., Individually,
GUY GANNETT PUBLISHING CO., doing business
as GANNETT TOWER CO., GUY GANNETT PUBLISHING
CO., doing business as BITHLO TOWER COMPANY,
GANNETT TOWER COMPANY, Individually, MPE
TOWER, INC., Individually and GANNETT TOWER
COMPANY and MPE TOWER, INC. as General Partner
and copartners doing business as
BITHLO TOWER COMPANY, a Florida General partnership.

Defendants.

**VERIFIED COMPLAINT
FOR SPECIFIC PERFORMANCE AND OTHER RELIEF**
FBN: 026955

Plaintiffs, JOSEPH REY, LETICIA JARAMILLO and ESPERANZA REY-MEHR, as General Partners of RAINBOW BROADCASTING COMPANY, a Florida Partnership, sue Defendants, GUY GANNETT PUBLISHING CO., Individually, GUY GANNETT PUBLISHING CO., doing business as GANNETT TOWER CO., GUY GANNETT PUBLISHING CO., doing business as BITHLO TOWER COMPANY, GANNETT TOWER COMPANY, Individually, MPE TOWER, INC., Individually and GANNETT TOWER COMPANY and MPE TOWER, INC. as General Partners and as copartners doing business as BITHLO TOWER COMPANY, a Florida General partnership and alleges:

EXHIBIT 1

LAW OFFICES OF FROMBERG, FROMBERG AND LEWIS, P.A.

MIAMI, FLORIDA

HALLANDALE, FLORIDA

1. This is an action for specific performance, temporary and permanent injunction and other relief.

2. At all times material to this action, Defendant, GUY GANNETT PUBLISHING CO. ("GUY GANNETT"), was and is a corporation organized under the laws of the State of Maine doing business in the state of Florida under its own name and as GANNETT TOWER CO. with offices in Miami, Dade County, Florida and having a business agent who resided or transacted business in Miami, Dade County, Florida. On or about September 1989, GUY GANNETT acquired all rights title and interest in the BITHLO TOWER COMPANY and continued to do business in the State of Florida as BITHLO TOWER COMPANY.

3. At all times material, GANNETT TOWER CO. (GANNETT TOWER) was a corporation organized under the State of Maine doing business in the state of Florida with offices in Miami, Dade County, Florida, a registered agent in Miami, Florida, and a business agent who resided or transacted business in Miami, Dade County, Florida. At all times material, GANNETT TOWER CO., was a General Partner and copartner in BITHLO TOWER CO., a Florida general partnership.

4. At all times material, MPE TOWER, INC., was a corporation organized under the State of Florida and a General Partner and copartner of BITHLO TOWER COMPANY ("BITHLO"), a Florida General Partnership, with its registered agent in Broward County, Florida.

5. At all times material to this action, the Plaintiffs, JOSEPH REY, LETICIA JARAMILLO and ESPERANZA REY-MEHR, were General Partners of RAINBOW BROADCASTING COMPANY, a Florida General Partnership ("RAINBOW").